

**Comments Dated:** Illinois, November 20, 2002  
Ohio-Howard, November 29, 2002 email &  
letter dated November 21, 2002  
Ohio- Snee, e-mail dated 12/10/2002

**Response to/Resolution of Comments:**

**Illinois**

Comment 1: The NRC apparently needs to clarify how it resolves compatibility issues. The procedure introduces a new "Compatibility Resolution (CR)" process, which, to our knowledge, appears for the first time there. We are unclear if this term signals a fundamental change in NRC's approach to resolution of compatibility issues. We do not know if the conflict process represents a new process, a revision of an existing one, or merely a new name for something that already exists, for example as provided by Management [Directive 5.9](#)

Although Appendices A and C refer to a couple of compatibility resolutions, the CR documents are not included in Appendix C, nor have we received copies by usual STP communication routes.

Response: Appendix C provides the titles of the CR documents and includes the Adams Accession Number, ML022380136, for retrieval of these documents. In addition, staff will ensure that States receive copies of the CR documents when compb98 4w3r 0 0 1S1S1S1S1S7x16 BDC BT/9.53T/TT0 C Tf98 4 T

71.101 - 'C' compatibility for paragraphs (a), (b), (c)(1). There is no (c)(1).

Comment 2: 71.103 - 'C' compatibility for paragraphs (a), (b), (c) first sentence. The first sentence for (c) doesn't make sense for 71.103. 'C' for paragraph (g). There is no paragraph (g).

Response: The procedure .98 60.18 712.3198StylFised to address th(gc0 1 T 1 Tf10.98 0 0 10.98 307.3827 734.

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Comment 6: p. 7: 1.e says that all C or H&S sections will have a clearly defined essential objective. I do not think this is true for all of the sections.

Response: The procedure was revised to address this comment.

Response: The reference was made to 150.15a(b), "Continued Commission authority pertaining to byproduct material," because the requirements in Criterion 11A thru F and Criterion 12 pertain to authority reserved to the NRC.

Comment 18:

This amendment reflects that violations to the requirements in §35.75 (patient release criteria) will be cited against §35.75 and not against the 0.1 rem public dose limit in 10

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...then the wrong radiopharmaceutical **unsealed byproduct material** could be administered...  
(Note: revised Part 35 no longer uses the term “radiopharmaceutical.” It was substituted by “unsealed byproduct material.”)

Also delete the example on the last sentence in the second paragraph. The example provided implies that vial shields are required by regulation. Part 35 is a performance-based rule which

Response: The procedure was revised to address this comment.

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material.”)

Response: The procedure was revised to address this comment.

32. Make the following change in 35.310, Safety instruction.

... The essential objective of this requirement is to assure that **medical** personnel



During the two year transition period, October 24, 2002 through October 24, 2004, licensees will have the option of complying with either the training requirements in Section 35.941 or 35.491. After the two year transition period, Section 35.491 will replace Section 35.941 and licensees will be required to comply with the training and experience requirements in the new Sec. 35.491.

43. Make the following change in 35.500, Use of sealed sources for diagnosis.

Delete the first two sentences in the paragraph since they are not related to section 35.500. Move the following sentence that is located in the middle of the text to the beginning of the paragraph "This section requires the use of sealed sources in the SS&D Registry by all specific licensees." Retain the remainder of the text.

Response:

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while the rest of the text is H&S. If you read the comment it states that Handbook 5.9 assigns a category of H&S to paragraphs (a) through (f), but nothing is mentioned about paragraph (g) and (h). The reader will not know for sure what compatibility category is paragraph (g) and (h).

Response: The procedure was revised to address this comment.

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During the two year transition period, October 24, 2002 through October 24, 2004, licensees will have the option of complying with either the training requirements in Section 35.960 or 35.690. After the two year transition period, Section 35.690 will replace Section 35.960 and licensees will be required to comply with the training and experience

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Response: The procedure was revised to address these comments

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73. On 10 CFR 31.6, the comment should be changed to delete only the second sentence (not the first) and revise the added text to say: "The compatibility designation for this section was changed from Category C to Category B as a result of amendment, "Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material," (65 FR 79162; December 18, 2000) effective February 16, 2001 (RATS ID: 2002-1). The Agreement State implementation date is February 16, 2004." Note, section 31.6 was not revised, only the compatibility designation.

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Response: The procedure was revised to address these comments. However, the wording “to implement the NRC regulations and the Atomic Energy Act” was not taken because Agreement States do not implement NRC regulations or the Atomic Energy Act. Agreement States implement compatible State regulations not NRC regulations and their State statutes.

82. On page 125, the comment on Part 40, Appendix A, Criteria 11 and 12 apparently should refer to 10 CRF 150.15a(b), not 150.a(b). Since this regulation reserves Commission authority over minimum standards regarding reclamation, as well as for long-term surveillance and ownership, other Appendix A criteria such as 4 and 6 should be compatibility designation “A” instead of “C.”

Response: The procedure was revised to address these comments.

NMSS, Thomas Young

83. The section, SA 200, Section 34.13, page 47, suggested revision: